

By: Tepper

H.B. No. 54

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition against affirmative action in governmental employment and in higher education admissions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. PROHIBITION AGAINST AFFIRMATIVE ACTION IN
GOVERNMENTAL EMPLOYMENT AND IN HIGHER EDUCATION ADMISSIONS

SECTION 1.01. Chapter 51, Education Code, is amended by adding Section 51.806 to read as follows:

Sec. 51.806. PROHIBITION AGAINST AFFIRMATIVE ACTION IN
HIGHER EDUCATION ADMISSIONS. An institution of higher education
may not consider an applicant's race, color, or any other protected
characteristic under applicable state or federal law as a factor
in making admissions decisions. An applicant may seek any
appropriate remedy available under state or federal law for a
violation of this subsection. To the extent of any conflict, this
subsection prevails over any other law relating to admissions
decisions made by an institution of higher education. Nothing in
this subsection may be construed to impair the enforcement of any
applicable state or federal civil rights law.

SECTION 1.02. Section 51.808, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) An institution of higher education may not adopt a
policy under this section under which the institution may consider
an applicant's race, color, or any other protected characteristic

1 under applicable state or federal law as a factor in making
2 admissions decisions. An applicant may seek any appropriate remedy
3 available under state or federal law for a violation of this
4 subsection. To the extent of any conflict, this subsection
5 prevails over any other law relating to admissions decisions made
6 by an institution of higher education. Nothing in this subsection
7 may be construed to impair the enforcement of any applicable state
8 or federal civil rights law.

9 SECTION 1.03. Chapter 1, Government Code, is amended by
10 adding Section 1.004 to read as follows:

11 Sec. 1.004. PROHIBITION AGAINST AFFIRMATIVE ACTION IN
12 GOVERNMENTAL EMPLOYMENT. (a) In this section:

13 (1) "Employment decision" includes a decision regarding
14 a person's hiring, termination, promotion, demotion, transfer,
15 conditions of employment, or wages.

16 (2) "Government agency" has the meaning assigned by
17 Section 110.001, Civil Practice and Remedies Code.

18 (b) Notwithstanding any other law, a government agency may
19 not consider the race, color, or any other protected characteristic
20 under applicable state or federal law of a person as a factor in
21 making an employment decision regarding the person.

22 (c) A person may seek any appropriate remedy available under
23 state or federal law for a violation of this section.

24 (d) To the extent of any conflict, this section prevails
25 over any other law relating to an employment decision made by a
26 government agency.

27 (e) Nothing in this section may be construed to impair the

application or enforcement of any applicable state or federal civil rights law.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Section 901.659, Occupations Code, is amended to read as follows:

Sec. 901.659. [~~MINORITY—AND~~] DISADVANTAGED STUDENT INTERNSHIPS. (a) The board shall adopt rules to encourage internships for [~~minority—and~~] disadvantaged students and certified public accountant examination candidates who notify the board not later than 90 days after the date of being accepted into an accounting internship program.

(b) The rules adopted by the board shall include standards for appropriate recognition of an accounting firm for its efforts in training and hiring [~~minority—or~~] disadvantaged students.

SECTION 2.02. Section 51.803(k), Education Code, is repealed.

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

SECTION 3.01. The change in law made by this Act to Subchapter U, Chapter 51, Education Code, applies beginning with admissions to an institution of higher education for the 2024-2025 academic year. Admissions for an academic period preceding that academic year are covered by the law in effect immediately before the effective date of this Act, and the prior law is continued in effect for that purpose.

SECTION 3.02. This Act takes effect on the 91st day after the last day of the legislative session.